

REMARKS

Applicants appreciate the thorough examination of the present application that is reflected in the Office Action of May 6, 2004 ("the First Office Action"). In the First Office Action, Claims 1-19 stand rejected under 35 U.S.C. 102(a) as anticipated by U.S. Patent No. 6,151,643 to Cheng et al. ("Cheng"). As discussed below, Cheng does not disclose or suggest all of the recitations of any of Claims 1-19. As such, Applicants respectfully submit that the rejections of Claims 1-19 should be withdrawn.

Additionally, Applicants have amended various of the claims to correct typographical errors and clarify the language of the claims, and have added several new claims.

I. Claim 1 is Not Anticipated by Cheng

Claim 1 stands rejected under 35 U.S.C. § 102(a) as anticipated by U.S. Patent No. 6,151,643 to Cheng. Claim 1 recites as follows:

1. A system for installing and configuring a package including an operating system, software products, and applications on at least one end-user computer connected to at least one server computer in a network, comprising:
 - means coupled to the at least one server computer for storing the package and an identification data of the at least one end-user computer;
 - means for sending the package from the storing means to the at least one server computer based on the identification data of the at least one end-user computer; and
 - means coupled to the sending means for creating on the at least one server computer an installation program and associated response files based on the identification data, to install said package on the least one end-user computer;
 - whereby said identification data comprises at least a location data where said at least one end-user computer is installed and a function data that said at least one end-user computer performs in the network.

The First Office Action states that the "means for storing" recitation of Claim 1 (the first clause after the preamble) is taught by Cheng, citing to the statement in the Abstract that the service provider computer system of Cheng stores information about the software updates that may be installed on client computers in an update database. First Office Action at p. 2). However, the cited portion of Cheng (Abstract, lines 1-17) does

not teach or suggest the "means for storing" recitation for at least two independent reasons.

First, the "means for storing" recitation recites means for storing a package. As defined in the preamble of Claim 1, the "package" includes "an operating system, software products, and applications." In contrast, Cheng discloses a system and method for updating software applications on client computers. The cited portion of Cheng does not disclose or suggest storing a package that includes an operating system, software products and applications as recited in the "means for storing" recitation of Claim 1.

Second, Cheng does not disclose or suggest a "means for storing" the "identification data" of Claim 1. As defined in the last clause of Claim 1, the "identification data" comprises at least "location data" where the end-user computer is installed and "function data" regarding the function the end-user computer performs in the network. While the service provider computer system of Cheng may include a "user profile database" (*see, e.g.*, Cheng at Col. 10, line 20; *see also* Col. 7, lines 12-24), Cheng does not disclose or suggest that this "user profile database" includes both location and function data relating to one or more end-user computers. Cheng's failure to disclose this aspect of the "means for storing" recitation of Claim 1 provides a second, independent basis for withdrawal of the pending rejections.

The cited portion of Cheng likewise fails to disclose or suggest the "means . . . for creating on the at least one server computer an installation program and associated response files based on the identification data" that is recited in the next-to-last clause of Claim 1. In particular, the cited portions of Cheng do not disclose or suggest that "an installation program and associated response files" are created on the server computer. In the First Office Action, the "service provider computer system" of Cheng is cited as corresponding to the "server computer" of Claim 1. (*See, e.g.*, First Office Action at p. 2, ¶ 3). However, Cheng does not disclose or suggest that an installation program and associated response files are created on the service provider computer system. Instead, the cited portions of Cheng teach that the client computer obtains information regarding what updates are available from the service provider computer system, and that then an

application running on the **client computer** proceeds to download those updates from various software vendor computer systems.

Moreover, Cheng teaches that the software program that installs the software upgrades resides on the client computer. (*See, e.g.*, Cheng at Col. 3, lines 25-29 and 45-49 and Col. 5, lines 10-17). As such, there has been no showing that Cheng discloses "means . . . for creating **on** the at least one **server computer** an installation program" (emphasis added), let alone that such an installation program (and associated response files) are created "based on the identification data."

Thus, for each of the above reasons, Applicants respectfully submit that Cheng does not teach or suggest the invention of Claim 1, and hence the rejection of Claim 1 should be withdrawn.

II. The Rejections of Dependent Claims 2-10 Should Also Be Withdrawn

Claims 2-10 depend from Claim 1. As such, the rejections of these claims should be withdrawn for the same reasons, discussed above, that the rejections of Claim 1 should be withdrawn. In addition, as discussed below, Applicants respectfully submit that Cheng does not suggest the recitations added by at least dependent Claims 2-6 and 9. Thus, the rejections of these claims should also be withdrawn for these additional, independent reasons.

For instance, Claim 2 recites that the system further includes "means for assigning to said package said at least one end-user computer location data and said at least one end-user computer function data." The First Office Action cites, without explanation, to Column 5, lines 6-32 of Cheng as disclosing this recitation. (First Office Action at p. 4). The cited portion of Cheng first describes an application that may be run on the client computer to download portions of the update database, determining the relevant software updates and retrieving them, installing the retrieved software updates on the client computer and removing installed updates (if desired). The cited portion of Cheng further describes an embodiment in which the service provider can provide the client information regarding available software updates via e-mail notification. As should be clear from the

above, the cited portion of Cheng does not disclose assigning computer location data or computer function data to a package (*i.e.*, an operating system, software products and applications). As such, the rejection of Claim 2 should be withdrawn for at least this additional reason.

Claim 3 recites, among other things, that the "function information is arranged into a plurality of function classes, each function class identifying a set of end-user computers among the plurality of end-user computers in the network having a common function in the network." The First Office Action cites to Cheng at Col. 3, lines 40-60, Col. 7, lines 5-10, Col. 9, lines 30-55, Col. 11, lines 5-20, Col. 12, lines 62-67 and Col. 23, lines 35-40 as disclosing this aspect of Claim 3. (First Office Action at p. 4).

Applicant respectfully disagrees with the Examiner's conclusions regarding the teachings of these passages. For instance, at Col. 3, lines 40-60, Cheng merely discloses that the client application installs the user-selected software updates on the client computer. At Col. 7, lines 5-10, Cheng describes the ways in which the update process may be initiated (*i.e.*, manually, automatically at preset intervals, or in response to particular events). At Col. 9, lines 30-55, Cheng describes how a user can undo a software update installed on the client computer. At Col. 11, lines 5-20, Cheng discusses a method table which identifies methods that are available to scan a client computer to determine what software resides thereon. At Col. 12, lines 62-67, Cheng states that the update database (*i.e.*, the database storing links to software updates) may be implemented in an object-oriented framework. Finally, at Col. 23, lines 35-40, Cheng briefly describes a communications module on the client application.

As should be clear from the above description, the cited portions of Cheng describe a wide variety of unrelated features of the system of Cheng, none of which have anything to do with arranging function information into a plurality of function classes. In fact, it is unclear to Applicants why any of the above-cited portions of Cheng are believed to have anything to do with the recitations of Claim 3 of the present application. Accordingly, Applicants respectfully request that the rejections of Claim 3 should also be withdrawn for at least these additional reasons.

Claim 4 recites that the "plurality of function classes comprises a client function class and a server function class." The First Office Action cites to Col. 5, lines 20-25, Col. 6, lines 7-12 and 31-36, Col. 7, lines 46-52, Col. 8, lines 32-36 and Col. 13, lines 58-62 of Cheng as disclosing the feature recited in Claim 4. (First Office Action at p. 4). However, once again, none of the cited portions of Cheng have anything to do with arranging function information into a client function class and a server function class. In fact, it appears that Cheng only relates to installing software updates on client computers and does not envision doing so on server computers. In any event, Applicants respectfully submit that Cheng does not disclose or suggest the recitation of Claim 4 for at least these additional reasons.

Claim 5 recites that the "identification data" that is stored in the "means for storing" that is coupled to the server computer "comprises information on hardware and software configuration of the plurality of end-user computers in the network." While the cited portions of Cheng do indicate that the system of Cheng identifies the software (but not the hardware) products on the client computer, this identification is performed by the client application that resides on the client computer and the information is stored on the client computer. (*See, e.g.*, Cheng at Col. 7, lines 45-67). Thus, information regarding the software products on a single computer is stored on that computer. This, of course, is different than the system of Claim 5 which stores both hardware and software configuration information for a plurality of computers in a storage means that is coupled to the server computer. Accordingly, the rejection of Claim 5 should be withdrawn for at least these additional reasons.

Claim 6 recites that "the storing means further comprises means for updating an installation status assigned to each of the plurality of computers." The First Office Action cites to Col. 3, lines 5-24 and 60 of Cheng as disclosing this recitation. However, the cited portions of Cheng are directed to storing the location on the network where software upgrades are located and storing files that describe the installation process for such upgrades. This has nothing to do with storing and updating the installation status of the plurality of end-user computers. Accordingly, Claim 6 is also independently

patentable over Cheng, and the rejection of Claim 6 should be withdrawn for at least these additional reasons.

Finally, Claim 9 recites "means for performing an initial load of the at least one end-user computer." The First Office Action cites to Col. 7, lines 5-11 of Cheng as disclosing this recitation. The cited portion of Cheng, however, discusses updating software packages that are on a client computer as opposed "performing an initial load." Accordingly, Cheng likewise does not disclose the additional recitation of Claim 9, and the rejection of Claim 9 should be withdrawn for at least these additional reasons.

Accordingly, the rejections of Claims 2-10 should be withdrawn for each of the above-cited reasons.

III. The Rejections of Claims 11-19 Should be Withdrawn

Claims 11-19 stand rejected as "method claims corresponding [to] the system claims 1-9 and [are] rejected under the same reason set forth in connection of the rejections of claims 1-9." (First Office Action at 5). Accordingly, Applicants submit that for at least all of the reasons discussed above that the rejections of Claims 1-9 should be withdrawn, the rejections of Claims 11-19 should likewise be withdrawn.

IV. Conclusion

Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,



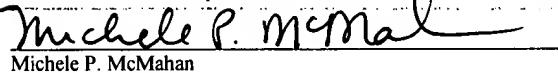
D. Randal Ayers
Registration No. 40,493
Attorney for Applicants

Customer Number 20792

Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627
919-854-1400; 919-854-1401 (Fax)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 6, 2004.


Michele P. McMahan